

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KIRKPATRICK DUNBAR,

Plaintiff,

-v-

KC GOURMET EMPANADAS LLC, *et al.*,

Defendants.

22 Civ. 10453 (PAE) (BCM)

ORDER OF
DEFAULT JUDGMENT

PAUL A. ENGELMAYER, District Judge:

On December 9, 2022, plaintiff Kirkpatrick Dunbar filed the complaint in this case. Dkt.

1. On December 19, 2022, Dunbar served defendant KC Gourmet Empanadas LLC (“KC Gourmet”) with process. Dkt. 8. KC Gourmet failed to respond to the complaint or appear in this action.


On November 7, 2023, Judge Moses, to whom this case is referred for general pretrial supervision, ordered Dunbar to apply for a Clerk’s Certificate of Default against KC Gourmet by December 6, 2023. Dkt. 36. On December 6, 2023, Dunbar so applied. Dkt. 37. On December 8, 2023, Dunbar obtained a Clerk’s Certificate of Default. Dkt. 41. On that same day, Dunbar filed a motion for a default judgment as to KC Gourmet. Dkts. 42–43.

On December 11, 2023, the Court found that the papers in support of Dunbar’s motion were in good order. Dkt. 45. The Court ordered KC Gourmet, if it wished to oppose the motion, to enter an appearance and file an opposition to Dunbar’s motion for default judgment by January 5, 2024. *Id.* The Court ordered Dunbar to serve the December 11, 2023 order on KC Gourmet by December 20, 2023. *Id.* Dunbar did so. Dkt. 46. To date, KC Gourmet has not entered an appearance or otherwise opposed Dunbar’s motion.

The Court has reviewed Dunbar's motion for default judgment pursuant to Federal Rule of Civil Procedure 55(b), Dkt. 42, and plaintiff's supporting affirmation, Dkt. 43. Because proof of service has been filed; KC Gourmet has not answered the complaint and the time for answering the complaint has expired; and KC Gourmet failed to appear to contest entry of a default judgment, the Court enters a default judgment for Dunbar against KC Gourmet.

The Court, by separate order, will commission an inquest into damages. The Court respectfully directs the Clerk of the Court to terminate the motion pending at docket 42.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: January 23, 2024
New York, New York